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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL DEPOSIT INSURANCE
CORPORATION AS RECEIVER FOR
AMTRUST BANK,

Case No.: 2:15-cv-02283-RFB-VCF

Plaintiff,

vs.

NEVADA TITLE COMPANY, a Nevada corporation,

Defendant.

**STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES SUBMITTED
IN COMPLIANCE WITH LR 26-4 AND LR 6-1**
(Second Request)

Defendant Nevada Title Company (“Nevada Title” or “Defendant”) and Plaintiff Federal Deposit Insurance Company as Receiver for AmTrust Bank (“FDIC-R” or “Plaintiff”) (collectively the “Parties”), by and through their undersigned counsel, hereby stipulate and agree to extend the discovery deadlines from the current dates to those set forth herein and, pursuant to LR 26-4 and LR 7-1, and in the form prescribed by LR IA 6-1 and 6-2, and submit this stipulation to extend deadlines.

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1 **A. STATEMENT SPECIFYING THE DISCOVERY COMPLETED:**

2 **1. Plaintiff**

3 On February 27, 2017, Plaintiff produced its 26(a) Initial Disclosures.

4 On March 27, 2017, Plaintiff propounded its First Set of Interrogatories, First Set of
5 Requests for Admissions, and First Set of Requests for Production of Documents to Defendant
6 Nevada Title Company.

7 On April 25, 2017 Plaintiff sent an Amended Subpoena Duces Tecum to Stewart Title of
8 Nevada.

9 On April 15, 2017 Plaintiff sent a Subpoena Duces Tecum to Lawyers Title of Nevada.

10 On April 13, 2017 Plaintiff sent a Subpoena Deces Tecum to Saxon Mortgage, Nationstar
11 Mortgage, and Stewart Title of Nevada.

12 On August 8, 2017 Plaintiff responded to Nevada Title Company's First Set of Requests
13 for Production and First Set of Interrogatories in accordance with an agreement between the
14 parties. More than 6,000 pages of documents were produced. Subsequently, Plaintiff processed
15 and served an additional, smaller, supplemental set of documents for production.

16 **2. Defendant**

17 On February 27, 2017 Defendant produced its Initial Disclosure of Witnesses and
18 Documents Pursuant to FRCP 26(A)(1).

19 On May 23, 2017 Nevada Title Company responded to Plaintiff's First Set of Requests
20 for Admissions, First Set of Interrogatories and First Set of Requests for Production of
21 Documents.

22 On May 23, 2017 Defendant produced its First Supplemental Disclosure of Witnesses
23 and Documents.

24 On June 13, 2017 Defendant propounded on Plaintiff its First Set of Interrogatories and
25 Requests for Production of Documents.

26 On July 6, 2017 Defendant produced their Second Supplemental Disclosure of Witnesses
27 and Documents.

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1 **B. STATEMENT SPECIFYING THE DISCOVERY THAT REMAINS TO BE**
2 **COMPLETED:**

3 The following discovery remains:

- 4 1. Issuance of third-party subpoenas;
- 5 2. Deposition of FDIC-R's 30(b)(6) deponent(s);
- 6 3. Deposition of Nevada Title's 30(b)(6) deponent(s);
- 7 4. Deposition of Joe Coppedge;
- 8 5. Deposition of Orlando Villalba;
- 9 6. Deposition of Kelly J. Lobeck;
- 10 7. Deposition of Josh Weissbuch;
- 11 8. Deposition of additional third party witnesses, as necessary;
- 12 9. Expert disclosures;
- 13 10. Rebuttal disclosures;
- 14 11. Deposition of experts;
- 15 12. Further written discovery as needed; and
- 16 13. Pursuing the responses to subpoenas issued by Defendant, none of which have

17 been responded to.

18 **C. REASONS WHY THE DEADLINE WAS NOT SATISFIED OR THE**
19 **REMAINING DISCOVERY WAS NOT COMPLETED WITHIN THE**
20 **TIME LIMITS SET BY THE DISCOVERY PLAN:**

21 The Parties are in the process of scheduling the numerous depositions in this matter. A
22 number of third party witnesses have information relevant to the FDIC-R's claims. The
23 depositions of these witnesses must be scheduled for a mutually convenient time and subpoenas
24 served.

25 Further, this is a document intensive case. Nearly 10,000 pages of documents have
26 already been produced by both sides. The damages sought by Plaintiff are significant:
27 \$1.5million + interest. Plaintiff produced more than 6,000 pages of documents. Defendant's
28 expert must review these documents and incorporate the relevant items into the expert report,
 which at the moment, is due 3 weeks away. There are also a number of items that Plaintiff

1 claims is not in their possession, and thus, Defendant must pursue these documents through other
2 means. Both Parties are also reviewing the discovery responses to ascertain what documents, if
3 any, must still be compelled.

4 Finally, given the claims and defenses in this matter, it is most efficient, productive, and
5 practical to conduct expert discovery after the completion of fact discovery.

6 **D. A PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING
7 DISCOVERY:**

8 The parties propose a fact discovery phase and expert discovery phase, such that once
9 fact discovery closes, the parties will then engage in expert discovery. The parties' experience is
10 that this sort of procedure will streamline the process, reduce cost, and be more efficient.

11 Based upon the foregoing, the parties propose that all dates be extended ninety (90) days
12 as follows:

13 14 Item	15 16 Current Deadline	17 18 Proposed New Deadline
19 20 Close of Fact Discovery	21 22 February 8, 2018	23 24 March 8, 2018
25 26 Initial Expert Disclosures	27 28 December 8, 2017	29 30 March 22, 2018
31 32 Rebuttal Expert Disclosures	33 34 January 9, 2018	35 36 April 23, 2018
37 38 Close of Expert Discovery	39 40 N/A	41 42 May 7, 2018
43 44 Filing Dispositive Motions	45 46 March 9, 2018	47 48 June 11, 2018
49 50 Pretrial Order and Disclosures	51 52 April 10, 2018	53 54 July 10, 2018

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25 If dispositive motions are filed, the deadline for filing the joint pretrial order will be
26 suspended until 30 days after decision on the dispositive motions or further court
27 order.
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1 This stipulation is entered into in good faith and not for the purposes of undue delay.

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3 Dated this 16th day of November 2017.

4 MARQUIS AURBACH COFFING

5 By: /s/ Christian T. Balducci

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12 Attorneys for Defendant

13 Dated this 16th day of November 2017.

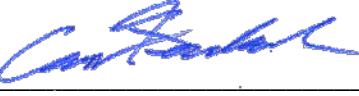
14 KOLESAR & LEATHAM

15 By: /s/ Scott Fleming

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13 **ORDER**

14 IT IS SO ORDERED.

15 By: 

16 U.S. Magistrate Judge

17 Dated 11-17-2017.

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